



OFFICE OF THE GOVERNOR

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BILL ANOATUBBY

GOVERNOR

January 26, 2007

Chairman Philip N. Hogen
National Indian Gaming Commission
1440 L. Street, N.W. – 10th Floor
Washington, D.C. 20005

Dear Chairman Hogen:

We understand that the National Indian Gaming Commission is entertaining the possibility of a significant revision to the proposed Class II technical standards in consideration of the efforts of an ad hoc working group of game machine manufacturers to develop a set of proposed revisions. The Chickasaw Nation has participated in a series of meetings convened by the manufacturers for this purpose. I am informed by the our representatives attending these meetings that it has been a highly productive process with a work product that has achieved a high level of consensus by the various manufacturers. Our representatives have expressed some optimism that, if accepted, the recommendations may well advance the promulgation of a set of technical standards acceptable to the industry.

We certainly welcome the NIGC's consideration of revisions to the proposed technical standards as it has been our concern that the standards were not appropriately tailored to Class II gaming technology. Having now had the benefit of listening to the discussions by the manufacturers' technicians, our representatives are even more certain that, in fact, the proposed technical standards require significant revision to achieve optimal applicability to Class II gaming technology.

While we commend the NIGC for its willingness to defer finalization of the proposed rule to allow this process to proceed and to give the recommendations due consideration, we are writing to express our strong desire for the opportunity to review, consider and comment on any revisions prior to the publication of the final rule. We view it as essential to be able to review the proposed technical standards alongside the proposed classification standards in order to assess the interplay between such closely related regulations and offer our comments on the final proposal.

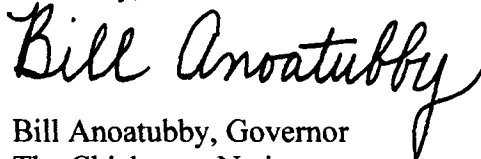
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NATIONAL INDIAN GAMING COMMISSION
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We have been informed that the NIGC is considering and may opt to forego promulgation of the proposed classification standards depending upon the final content of the proposed technical standards. As we have previously indicated, we strongly object to much of the content of the proposed classification standards on legal grounds, thus, as a general matter, we would welcome a decision by the NIGC to abandon this rule making. If, however, doing so would entail the insertion of objectionable provisions from the classification standards into the technical standards, we would likely not be in a position to support the technical standards. The dilemma is that there is no way for us to determine what our final position would be without the opportunity to review the final proposal and to assess the interplay between the three proposals, including the proposed revision of the facsimile definition.

In our view principles of fundamental fairness would seem to weight the balance in favor of at least one additional publication of proposed rulemaking for all three proposed rules, given the overarching importance of such regulations on the health and well-being of the Class II gaming industry, which is critical to the economic health and well-being of the Chickasaw Nation. Throughout this rulemaking process, we have participated in good faith to the maximum extent because of the critical importance of Class II gaming to the Chickasaw Nation. It has always been our highest hope that such effort will help to achieve an acceptable rule that accords with the interests of all concerned. We believe that such objective is within reach and seek the NIGC's favorable consideration to our request for the opportunity to review the final proposal prior to its final promulgation.

Your consideration is appreciated.

Sincerely,

A handwritten signature in black ink that reads "Bill Anoatubby". The signature is written in a cursive, flowing style.

Bill Anoatubby, Governor
The Chickasaw Nation

cc: Commissioner Cloyce Choney
Commissioner Norm DesRosiers